

Introduced by Senator Romero

February 23, 2006

An act to add Sections 5040, 5041, 5042, 5043, and 5044 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1547, as introduced, Romero. Corrections: inmate population.

Existing law charges the Department of Corrections and Rehabilitation with the care and custody of all persons sentenced to the state prison.

This bill would make findings and declarations regarding the growing inmate population in the department and the need to control that growth through progressive corrections and rehabilitation policies. The bill would require the department to establish a maximum inmate capacity for each state prison of 145% of the design capacity, to establish programs that would release to parole older or medically incapacitated inmates, provide sentence reduction incentives for inmates who complete various programs in prison, develop strategies to reduce recidivism and discharge certain parolees, and develop "presumptive sentencing" for inmates, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that:
- 2 (a) The California Department of Corrections and
- 3 Rehabilitation currently houses approximately 168,000 inmates,
- 4 which is 195 percent of the designed capacity. In fiscal year
- 5 2006-07, the population is projected to increase by 2.3 percent, or

1 3867 inmates. In addition to housing the inmate population, the
2 department is responsible for monitoring the parole population
3 which is approximately 115,600. The parole population is also
4 projected to increase in 2006-07 by 700 parolees. The population
5 is projected to increase because more inmates are being released
6 to parole, but fewer parolees are being discharged from parole
7 supervision.

8 (b) Last year, in 2005, the department overran its budget by
9 over \$1 billion dollars (\$1,000,000,000) due primarily to
10 population growth. The department had based its budget on a
11 decreasing population trend, but in fact, the inmate population
12 experienced unprecedented growth, thereby driving department
13 costs above and beyond fiscal projections.

14 (c) The department is operating well above the designed
15 capacity and is also plagued with a number of lawsuits that
16 impose court ordered requirements and standards that the
17 department must meet. Many of the requirements are difficult to
18 achieve due to the number of inmates and parolees in the system.

19 (d) The department has recently been the subject of several
20 audits, analyses, and reports that have made recommendations to
21 improve operations and programs within the department. Many
22 of these reports and analyses state that in order to adequately
23 rehabilitate inmates and protect public safety, inmate and parole
24 populations need to be reduced. According to the recent
25 Corrections Independent Review Panel (CIRP), "The key to
26 reforming the system lies in reducing the numbers."

27 (e) The department has been delinquent in making progress
28 toward controlling and reducing the inmate and parole
29 populations to allow for successful rehabilitation to reduce
30 recidivism.

31 (f) The population of the department can be safely reduced
32 with substantial benefits in costs, rehabilitation, and public
33 safety, by developing a maximum capacity for California's
34 prisons that would bring the population in line with the
35 "operational capacity" identified by the CIRP.

36 (g) Through implementation of progressive corrections and
37 rehabilitation policies, the department can reduce the inmate and
38 parole populations in order to work on rehabilitating and
39 reintroducing inmates back into society.

1 (h) California keeps parolees under state jurisdiction for far
2 longer periods of time than national norms. California currently
3 has “the longest leash” for inmates on parole without any visible
4 effect on recidivism, which results in parolees being locked up
5 for technical parole violations at a significant cost to the state
6 with no beneficial impact on public safety.

7 (i) For the reasons stated above, it is imperative that the
8 California Department of Corrections and Rehabilitation take
9 immediate action to address the burgeoning inmate population. It
10 is the intent of the Legislature in enacting this bill, to cap the
11 California prison population to operational capacity, as defined
12 by the Corrections Independent Review Panel, and to introduce
13 population reduction strategies that would enable the department
14 to reduce its population safely and effectively, with the safety of
15 inmates, staff, and the public as the paramount goal.

16 SEC. 2. Section 5040 is added to the Penal Code, to read:

17 5040. Effective January 1, 2010, the department shall
18 establish a maximum inmate capacity for each state prison of 145
19 percent of the design capacity.

20 SEC. 3. Section 5041 is added to the Penal Code, to read:

21 5041. The department shall establish programs that would
22 provide early release of geriatric and medically incapacitated
23 inmates who no longer pose a threat to public safety, as follows:

24 (a) A medical parole program for medically incapacitated
25 inmates who no longer represent a threat to public safety and
26 who have an appropriate place to receive care.

27 (b) One of the following:

28 (1) A program that would allow inmates who are 65 years of
29 age and older who have served at least five years of their
30 sentence to become eligible for parole and inmates 60 years of
31 age and older who have served at least 10 years of their sentence
32 to become eligible for parole, not including inmates incarcerated
33 for a murder conviction.

34 (2) A program that would parole nonserious, nonviolent
35 inmates who are 55 years of age and older.

36 (3) A program that would emulate the Project for Older
37 Prisoners (the ”POPS” program), in which the department would
38 partner with law school students who would assess older
39 prisoners for early release.

40 SEC. 4. Section 5042 is added to the Penal Code, to read:

1 5042. (a) The department shall develop a program that would
2 provide sentence-reduction incentives for inmates who complete
3 education, vocation, and drug treatment programs.

4 (b) The department shall review all files of inmates who are
5 incarcerated for non serious, non violent felonies to ensure that
6 they are released on parole at the earliest possible date authorized
7 by law, if it is determined that they do not pose a threat to public
8 safety.

9 SEC. 5. Section 5043 is added to the Penal Code, to read:

10 5043. The department shall develop numerous strategies to
11 reduce recidivism and to discharge persons from parole,
12 including, but not limited to, the following:

13 (a) Development of policies and procedures that would enable
14 low risk parolees to be discharged from parole according to
15 national norms.

16 (b) Identification of low risk parolees, and reducing their
17 parole term to three months.

18 SEC. 6. Section 5044 is added to the Penal Code, to read:

19 5044. The department shall work with the Legislature to
20 develop “presumptive sentencing,” as described in the report
21 “Reforming Corrections,” by the Corrections Independent
22 Review Panel in June, 2004, whereby inmates with a determinate
23 sentence would be given a presumptive sentence based on
24 available sentence reduction credits for completion of programs
25 or work, and subject to completion of those programs.